

**OPENING STATEMENT BY REP. JOHN BOEHNER, CHAIRMAN  
EDUCATION & THE WORKFORCE COMMITTEE  
CONSIDERATION OF MR. MILLER'S RESOLUTION OF INQUIRY  
WEDNESDAY, OCTOBER 19, 2005**

I thank my colleagues on the Committee for being here as we consider Mr. Miller's resolution of inquiry. Given the overly-broad and potentially harmful nature of this resolution, I must oppose it.

The resolution before us amounts to little more than a partisan exercise. Let's be clear: President Bush had every right to take this action, just as Presidents have before him. Congress explicitly authorized the President – regardless of party affiliation – to take this action when it passed the Davis-Bacon Act in 1931. It also is important to note that the suspension is not indefinite. Under the National Emergencies Act, the suspension expires September 8, 2006.

The results of President Bush's decision are yet to be determined, as only six weeks have passed since he made it. However, an October 12 news story in the *Advocate*, the daily newspaper in Baton Rouge, has provided some early insights.

According to the article, because demand for workers in the New Orleans area is so high, wages are rising around the state. In fact, some workers are being offered financial incentives to return to the state as the recovery effort begins in earnest. This stands in stark contrast to the claims by some that wages were certain to be "cut" as a result of the President's action.

Beyond the political nature of this resolution, it also is unnecessary. Much of the information it seeks is available via the Freedom of Information Act, and in fact, such a request on these matters is currently pending at the Departments of Labor and Homeland Security. However, rarely would this score the kind of political points sought by supporters of this resolution, and that's why we're here today.

Politics aside, I oppose this resolution because it is bad public policy. For example, the resolution needlessly places at risk confidential business information. Under the aforementioned Freedom of Information Act, contractors may withhold confidential proprietary information when such a request is made of a federal office. This information could include personal data, unit pricing information, technology, and process description.

However, since this resolution is not a Freedom of Information Act request, contractors would not be consulted as to what information would be released, which could damage their competitive advantage if proprietary information were disclosed.

Furthermore, the resolution is overly burdensome and would distract from the recovery and reconstruction effort. The information requested in the resolution would have to be found through a case-by-case review of every contract entered into or communication shared by relevant Departments and offices. This would be a substantial burden on the agencies involved in the reconstruction effort. At a time when rebuilding the Gulf Coast region is a top priority – and when time is of the essence – is this a wise course of action? I don't believe so.

Finally, the resolution before us over-reaches. By its very nature, a resolution of inquiry can only produce "facts." However, the one before us today goes beyond this by asking not just for facts, but communications as well. These communications are not limited merely to facts

and thus cannot – and should not – be subject to the inquiry. At the very minimum, seeking these communications could stifle debate and discussion between the agencies and the President on Gulf Coast reconstruction. Simply put, it would set a bad precedent.

The resolution also over-reaches by requesting communications regarding the Service Contract Act and the Fair Labor Standards Act. Let's remember that neither of these laws have been suspended or are even under consideration for suspension. And in the case of the Fair Labor Standards Act, prevailing wages aren't even an issue. The fact that communications regarding these laws have been requested makes this resolution seem more like a license for a fishing expedition.

I remind my colleagues on the Committee that the chief goal of the hurricane recovery and reconstruction effort is to eliminate red tape and bureaucracy so more people can get more jobs more quickly. In turn, the recovery effort will gain considerable steam. I believe the President's decision was made in that spirit.

Let's be clear: the resolution before us today does not represent a debate on the merits of the Davis-Bacon Act. Rather, it is an attempt to politicize a decision President Bush was well within his rights to make. And worse yet, it is reckless public policy that could have far-reaching and severe ramifications for the Gulf Coast reconstruction effort. It is a bad precedent that we cannot set, and I urge my colleagues on the Committee to join me in reporting the resolution unfavorably.